

not effective for the purposes represented. The statements represented and suggested that the article when used as directed was effective to save little chicks and to help protect them from gapes and worms; that the article when used as directed was effective as a treatment of cholera and roup of hens, as a chicken tonic, and as a remedy and medicine for chickens; that the article when used as directed was effective in the prevention and treatment of white diarrhea of chicks; and that the article when used as directed was effective to help hens lay more eggs in winter, to protect fowls from disease, and to keep them free from lice and mites. Further misbranding, Section 502 (b) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: June 28, 1950. Default decree of condemnation and destruction.

3160. Misbranding of The Ball Solution. U. S. v. 25 Bottles * * *. F. D. C. No. 28728. Sample No. 1291-K.)

LABEL FILED: February 20, 1950, Southern District of Florida.

ALLEGED SHIPMENT: On or about January 11, 1950, by the Timball Liniment Co., from Arcadia, Calif.

PRODUCT: 25 1-pint bottles of *The Ball Solution* at Hialeah, Fla.

LABEL, IN PART: "The Ball Solution * * * Veterinary * * * Contains: Alcohol 57.1%, Iodine, Potassium Iodide, Menthol, Eucalyptol, Methyl Salicylate, Oil of Peppermint."

NATURE OF CHARGE: Misbranding, Section 502 (a), the following label statements were false and misleading since the article was not effective in the prevention and treatment of the disease conditions of horses, stated and implied: "* * * Good for Bad Legs * * * apply two or three times a week in conditions such as: Buck Shins, Big Knee, Sprains, Swelling and Lameness * * * Osslets * * * Splints, Ringbone * * *."

DISPOSITION: June 8, 1950. Default decree of forfeiture and destruction.

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PRODUCTS

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¹ (3157, 3158) Prosecution contested.

FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

3161-3180

DRUGS AND DEVICES

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency. Published by direction of the Federal Security Administrator.

PAUL B. DUNBAR, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., November 17, 1950.

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*For presence of a habit-forming narcotic without warning statement, see Nos. 3162-3167; omission of, or unsatisfactory, ingredients statements, Nos. 3161-3163, 3165, 3168, 3169, 3177; failure to bear a label containing an accurate statement of the quantity of the contents, Nos. 3161-3169; failure to bear a label containing the name and place of business of the manufacturer, packer, or distributor, Nos. 3161-3169; cosmetic, actionable under the drug provisions of the Act, No. 3177.

✓ W.V. _____
 ✓ SDF 8.27 _____
 ✓ E.R.S. _____
 ✓ F.D.C. _____
 ✓ D.M.T. _____
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DRUGS ACTIONABLE BECAUSE OF FAILURE TO BEAR ADEQUATE DIRECTIONS OR WARNING STATEMENTS

3161. Misbranding of amphetamine hydrochloride tablets, dextro amphetamine hydrochloride tablets, and thyroid tablets. U. S. v. David Greenberg (Frank's Pharmacy). Plea of guilty. Fine, \$500. (F. D. C. No. 29118. Sample Nos. 51679-K, 51686-K, 51693-K, 52125-K, 52146-K.)

INFORMATION FILED: May 1, 1950, Southern District of Ohio, against David Greenberg, trading as Frank's Pharmacy, Cincinnati, Ohio.

INTERSTATE SHIPMENT: On or about January 24 and February 3, 1949, from the States of Illinois and Michigan into the State of Ohio.

ALLEGED VIOLATION: On or about June 12, July 24 and 30, and August 5, 1949, while the drugs were being held for sale after shipment in interstate commerce, the defendant caused certain quantities of the drugs to be repacked and sold to various persons, which acts resulted in the repackaged drugs being misbranded.

LABEL, WHEN SHIPPED: "Amphetamine HCl 10 mgs. per tablet," "Dextro Amphetamine HCl 5 mgs. per tablet," and "Thyroid Strong * * * 50% Stronger than U. S. P."

NATURE OF CHARGE: Misbranding, Section 502 (b) (1), the repackaged drugs failed to bear labels containing the name and address of the manufacturer, packer, or distributor; Section 502 (b) (2), the *amphetamine hydrochloride tablets* and the *dextro amphetamine hydrochloride tablets* failed to bear labels containing a statement of the quantity of the contents; Section 502 (e) (1), the *amphetamine hydrochloride tablets* and the *dextro amphetamine hydrochloride tablets* failed to bear labels containing the common or usual name of the drugs; Section 502 (f) (1), the directions "Use as Directed," borne on the labeling of the *thyroid tablets*, were not adequate directions for use; and Section 502 (f) (2), the *amphetamine hydrochloride tablets* and the *dextro amphetamine hydrochloride tablets* failed to bear labeling containing adequate warnings against use in those pathological conditions where their use may be dangerous to health, and against unsafe dosage and methods and duration of administration.

DISPOSITION: June 12, 1950. A plea of guilty having been entered, the court imposed a fine of \$500.

3162. Misbranding of sulfathiazole tablets and Seconal Sodium capsules. U. S. v. Peoples Pharmacy, Inc., and Samuel I. Pigurski. Pleas of nolo contendere. Fine of \$150 plus costs, against defendants jointly. (F. D. C. No. 29114. Sample Nos. 60607-K to 60610-K, incl., 60613-K, 60614-K.)

INFORMATION FILED: April 25, 1950, Northern District of Indiana, against Peoples Pharmacy, Inc., Gary, Ind., and Samuel I. Pigurski, secretary-treasurer and pharmacist for the corporation.

INTERSTATE SHIPMENT: From the State of Illinois into the State of Indiana, of quantities of *sulfathiazole tablets* and *Seconal Sodium capsules*.

ALLEGED VIOLATION: On or about May 13, 18, and 23, 1949, while the drugs were being held for sale after shipment in interstate commerce, the defendants caused various quantities of the drugs to be repackaged and sold without a prescription, which acts of the defendants resulted in the repackaged drugs being misbranded.